

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

CHIH-WEN CHUNG, )  
an individual and a Taiwanese Citizen, )  
Plaintiff, )  
v. ) C.A. No. 04-1451 SLR  
LUMATEC INDUSTRIES, INC., )  
a corporation organized under the laws )  
of Texas, )  
Defendant. )

**DECLARATION OF PETER ALTMAN**

1. My name is Peter Altman. I am the President of Lumatec Industries, Inc. ("Lumatec"). I am over twenty-one years of age. I have personal knowledge of the facts contained in this Declaration. I make this Declaration in support of Lumatec's Motion to Dismiss or Transfer.

2. Lumatec has not, directly or through an agent, (1) transacted any business or performed any character of work or service in Delaware; (2) contracted to supply services or things in Delaware; (3) caused tortious injury in Delaware by an act or omission in Delaware; (4) regularly done or solicited business, engaged in any other persistent course of conduct in Delaware, or derived substantial revenue from services, or things used or consumed in the Delaware; (5) owned, used, possessed or obtained an interest in real property in Delaware; or (6) contracted to insure or act as surety for, or on, any person, property, risk, contract, obligation or agreement located, executed or to be performed within Delaware at the time the contract was made.

3. Lumatec has never sold to any retailer or consumer in Delaware any product purporting to violate the patents at issue in the above-captioned action. Lumatec sells primarily to independent retail stores and does not sell to national chain stores, or wholesalers who redistribute to retailers in Delaware. The major retailer for this item (with over 60% of the total sales) was a store based Dallas Texas called Container Store, which does not have a location in Delaware.

4. Lumatec does not participate in any joint marketing of the product with the retailers to whom they are sold. Lumatec has no knowledge of the retailers ultimate end-users.

5. Lumatec has an online website ([www.lumatec.com](http://www.lumatec.com)) that solicits orders directly from consumers. This website represents less than 1% of Lumatec's annual sales. At no time was the product subject to this lawsuit advertised for sale on this website for sale. Further, the product was not listed Lumatec's 2004 retail dealer catalog. It was imported at the special request of the Dallas Based Container Store's for their gift program in the fall of 2003.

6. Lumatec tried to settle this matter even before the lawsuit was filed. However, the attorney for the plaintiff has refused to make any settlement demands.

7. I declare, under penalty of perjury of the laws of the United States, that the foregoing is true and correct to the best of my knowledge, information and belief. Executed in Thailand on this 26 day of December, 2004.

Peter Altman